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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,227	09/10/2003	Hiroshi Iwakami	14470.0004US01	7711
23552	7590	09/15/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,227	Applicant(s) IWAKAMI ET AL.	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Oath/Declaration

1. The declaration filed under 37 C.F.R. 1.63 in response to the notice of a missing or unsigned declaration has been received.

Drawings

2. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14a of page 4, lines 16 and 18 is not shown in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Objection is made to the paragraph on page 1 in lines 15-19 and the brief description of figure 7 because figure 7 does not show a conventional cable configuration, nor does it show a trim conversion means 25 and the push pull cable.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 8-156887.

The nozzle is 13, the trim operating lever is 51, the pull wire is 21, the push wire is 22 and the push pull converter is 24. As is shown in figure 4 the push pull converter 24 is positioned both on an axis extending vertically below the steering handle and between the axis and the bow (while the axis in question extends at a slant, it does still extend vertically). As shown in figure 6, the pull wire is of a smaller diameter than the push wire and due to the fact that it wraps around pulley 24 is more flexible.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Fujimoto and Japan 6-156379.

The nozzle is the thrust bucket of Kobayashi. With regard to the thrust bucket and trimming the watercraft see column 1, lines 29-32 of Kobayashi.

The trim operating lever is 32 of Kobayashi. Due to spring 44 of Kobayashi, the nozzle or thrust bucket returns to the first ordinary direction when the grip on the trim operating lever is released. The pull wire is 34. The push wire is 39. The push pull converter is 36. From figure 2 of the drawings it appears that the pull wire is of a less diameter than the push wire. Fujimoto clearly shows the pull wire 38 being of a less diameter than the push wire. Japan 379 clearly shows the pull wire 28 being of a less diameter than the push wire. Both Fujimoto and Japan 379 show the pull wire being more flexible than the push wire due to the curving path of the pull wire from the converter to the lever.

In view of the teachings of both Fujimoto and Japan 379, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the pull wire of Kobayashi of a less diameter and more flexible than the push wire. Motivation to do so is to have a pull wire which can easily follow the curving route to the lever on the handle.

Kobayashi does not disclose the push pull converter 36 as being disposed in the watercraft directly under the steering handle or on the bow side of the steering handle.

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Fujimoto discloses converter 36 as being directly under the steering handle. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to dispose the converter 36 of Kobayashi directly under the steering handle as taught by Fujimoto. Motivation to do so is to locate it on a mid engine. Locating the engine mid craft provides for better trim of the watercraft and mounting the converter on the engine provides a good support.

Figure 2 of Kobayashi clearly shows the pull wire as having a portion disposed on the inside of a cover which covers the inner portions of the handles.

It is unclear from Kobayashi if the pull wire is shorter than the push wire; however, Fujimoto shows the pull wire as being shorter than the push wire. In view of the teaching of Fujimoto it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the pull wire shorter than the push wire. This would be in keeping with mounting the converter on the engine as discussed above. Motivation to do so is to have the more flexible pull wire be of a less length because of its flexibility.



Kobayashi does not disclose the pull and push wires being of stainless steel; however, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make them of stainless steel. Motivation to do so is that stainless steel is less likely to rust.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617


Sdb
9/10/04